

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : S. Charbit et al.  
Serial No. : 09/768816  
Filed : 1/23/01  
For : TREATMENT OF PATHOLOGICAL  
CONDITIONS CHARACTERIZED  
BY AN INCREASED IL-1 LEVEL  
Attorney :  
Docket No. : H7708-0002  
Examiner : Mojdeh Bahar  
Art Unit : 1617



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Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Office Action mailed May 7, 2002 (Paper No. 11), Applicants submit the Remarks below, under the provisions of 37 CFR §1.111.

**STATUS OF THE CLAIMS**

Claims 1-14 were rejected provisionally under the judicially-created doctrine of obviousness-type double patenting over claims 1-10 of co-pending Application No. 09/663528. Claims 1-14 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Martel-Pelletier et al. in view of Marcolongo et al. and a statement from page 1 of Applicants' specification. Claim 3, as amended by Applicants' March 9, 2001 Preliminary Amendment, was rejected for not complying with the written description requirement of 35 U.S.C. §112, ¶1. The related Preliminary Amendment to the specification was objected to as new matter under 35